[Shri Yogendra Makwana]

Madam the Government of India is ready to help the State Governments whereve'r there is need, whenever they make a request and wherever it is necessary. Thank you.

STATEMENT BY MINISTER III.

Re. machinery for ensuring safeguards for Scheduled Castes and Scheduled Tribes.

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR, RAJENDRA KUMARI BAJPAI): Madam, the Constitution provides under Article 338 for appointing a Special Officer to investigate all matters relating to the safeguards provided under the Constitution for the Scheduled Castes and Scheduled Tribes. The Government of India in 1978 had set up a Commission to do practically the same functions with the intention of replacing the Special Officer by such a Commission by amending the Constitution. However, the efforts of the Government at that time to amend the Constitution in this respect did not succeed. As a result the Commission and the Commissioner have been functioning with almost similar functions.

We have examine this matter carefully. Government does not propose to make any changes in the Constitution in this regard. Instead we would like to make the Constitutional machinery of Special Officer envisaged under Article 338 more effective and hence we shall strengthen his office and also provide for a disciplinary mechanism to take action against defaulting personnel.

We have need also of a body at the national level to aid and advise the Government in regard to the basic socio-economic issues involved in the process of uplift and welfare of the Scheduled Castes and Scheduled Tribes. Changing situations demand that all the aspects should be carefully studied and suitable changes in policy and programme and in administrative structure and agencies effected to meet new requirements. It is hence proposed to rename the Commission for the Welfare of Scheduled Castes and Scheduled Tribes as the National Commission for the Scheduled Castes and Scheduled Tribes and redefine its functions and to expand it to include experts in *re.*-vant disciplines.

A detailed statement in this respect is placed on the Table of the House.

STATEMENT BY MINISTER

IV. Re. accidents to trains Hyderabad Ilazrat Nizamuddin Express near Maitcbiryal station of South Central Railway on 9-7-1987 and Barharwa-Rampurhat Passenger on 27-7-1987 on the Eastern Railway.

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): Madam, I deeply regret to apprise the House of two unfortunate accidents, one involving Train No. 21 Hyderabad-Hazrat Nidam-uddin Express on 9-7-87 on the South Central Railway, and the other to Train No. 316 Barharwa-Rampur Hat Passenger on 27-7-87 on the Eastern Railway.

Train No. 21 Express left Manchiryal station on the Kazipet-Balharshah Section at 4.27 hours. It met with an accident at about 4.35 hours between Manchiryal and Mandamari stations after traversing a distance of about 3 Kms. It was mar-ooned due to a flash flood caused by the bursting of an irrigation tank, following unprecedented heavy rains. Before it could proceed further, the surging flood washed away a portion of the railway embankment under the train, causing derailment of 14 out of the 18 coaches of the train. Of the derailed coaches, 10 were swept away by the force of water. Two of these coaches, fourth and fifth from the train engine, were swept to a distance of about 40m from the track.

About 20 minutes earlier, a goods train running towards Machirya] on the adjacent track had passed over the same stretch and nothing unusal had been reported by the driver of the goods train

As per records, this section had no previous history of any damage by floods. The irrigation tank in question, located about 3 Km. on the upstream side of the railway track, was being maintained by the State Government.

As a result of the accident, 55 persons lost their lives and 2 sustained injuries, out of whom two had minor injuries. The casualties were mostly from the 4th and 5th coaches from the engine. These were Second Class Sleepers through co-

aches from Vishakhapatnam to Hazrat Nizamuddin, attached to this train at Kazi pet.

As the Railway telephone circuits along the affected track were extensively damaged due to the flash flood, the first information had to be conveyed to Man-chiryal station on foot. Relief and rescue operations were set in motion immediately thererafter. Contacts were also established with State Government agencies at the appropriate levels for the help and assistance. Pending arrival of relieve trains from other places, the immediate rescue operations were organised by the railway officials available on the spot, with the spontaneous help of volunteers from amongst the passengers of the train, notable amongst whom were army ja-wans, as well as residents of the adjoining areas.

Arrangements were made to evacuate passengers from the site of accident to Manchiryal station by utilising the four rear-most coaches which were unaffected. Over 700 passengers were thus brought to Manchiryal where they were served food and refreshments. Therefore, about 400 passengers who wanted to continue their journey towards the north, were moved by road to Bellampalli by mobilising 10 buses. From Bellampalli a Special train was arranged for their onward journey towards New Delhi. For about 300 passengers who wanted to return to Hyderabad or to Waltair side, another Special train was arranged from Manchiryal,

Ex-gratia payment was arranged by the Railway Adminstration at the rate of Rs. 5,000]- each to the next of kin of the dead, Rs. 2,000|- to the grievously injured and Rs. 250|- each to those who had sustained simple injuries.

Along with the Union Industries Minister, Shri J. Vengal Rao, I visited the site of the accident early in the morning of 10th July, accompanied by the Chairman and Member Engineering, Railway Board.

The Commissioner of Railway Safety, Southern Circle is conducting a statutory inquiry into the matter. His report is awaited

The work of restoration of rail communications on the affected section was undertaken on a war footing round the clock. The Down line, which had suffered comparatively less damage, was restored to traffic on 12th July and the Up line on 17th July 1987.

Words cannot adequately express our grief and shock at the loss of so many human lives. I have no doubt that the House joins me in extending our heartfelt condolences and deep sympathies to the bereaved families.

I would also like to express my appreciation for the assistance rendered in the rescue and relief operations by the civil administration, the people of the adjoining areas, various industrial establishments and other public and private bodies, as well as by several volunteers from amongst the passengers of the train. I must make a special mention of the heroic role played by some Army ja-wans travelling by the same train.

The accident to 316 Down Barharwa-Rampurhat Passenger on the Eastern Railways occurred at about 13.10 hrs on 27-7-87, While the train was passing over bridge No. 201 between Murarai and Chhatra stations on the Barharwa-Khana Section, 2 bogies derailed, and 3 came off the bridge of which two fell into the river bed. The train had a load of 7 coaches. This is an 18 span bridge on the Chhota Pagla stream.

As a result of the accident, 3 persons lost their lives. There were 7 grievous injuries and 27 minor. The injured were rushed to the Civil Hospital, Rampurhat and to the Health Centres at Chhatra and Murarai, On receipt of the information, medical vans were rushed to the 6tte of the accident from the base stations. Senior officers of the Railway also rushed to the site. Ex-gratia payment to the next of kin of the dead and to those injured has been arranged.

The cause of the accident is under investigation. Commissioner of Railway Safety, Eastern Circle, has already reached the site and will be holding Statutory Enquiry.

SHRI V. NARAYANASAAMY (PONDICHERRY): Madam, I would like to congratulate the army jawans who actually played a major role in saving many lives during the accident at the Manehir-yal station. The site of the accident is about three kilometres away from the staiton and it is very well known to the railway administration that there is a tank there. There was heavy rain which is unprecedented in that area. The railway track is nearby and it has been stated that about 15 minutes earlier another goods train had passed that way, 1 would like to know from the hon. Minister whether the persons who are looking after the track have failed in their duty and only because of that there was an accident. Heavy rain was there and the tank burst. Entire waters of the tank came out and the track was washed away. If there were a thorough check on the railway track, the accident would have been averted. I would like to know whether that was done.

Secondly, regarding the relief measures, of the person who had been stranded some were despatched to Delhi and some were despatched to Delhi and some were sent to Secunderabad. I would like to know whether the passengers were stranded at Secunderabad railway station because of the arrival of Chief Minister N. T. Rama Rao, because those people were in grief and those who had been awaiting their arri ml could not go to their native places and got stranded. This is the information which I have received. I would like to seek clarification from the hon. Minister whether that was the case.

Thirdly, the relief amount which has been given to the relatives of the victims is very meagre, because as per the re port given by the hon. Minister 55 persons have lost their lives. The amount of compensation given is only Rs. 5,000 for the next of kin of the dead and Rs. 2,000 for the grievously injured persons. I would like to request the honourable Minister to consider increasing the amount of compensation to Rs. 25,000 for the families of the persons who had lost their lives and to Rs. 10,000 for persons who were grievously injured. Thank you, Madam.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Madam Deputy Chairman, the ghastly accident which happened to the Hyderabad-Nizamuddin Dakshin Express near Manch-erial in Andhra Pradesh on 9th July is a grim reminder of our poor safety system in the railways. I understand that after Independence it is the third ghastly accident in Andhra Pradesh.

Madam, as usual, the Railway Department defends its inefficiency by claiming that it is a natural disaster, unpredictable and uncontrollable by human beings. This is an era of control of nature by science and technology. As far as the accident to the Dakshin Express is concerned, I honestly believe that, had the Railway Department kept their monitoring system in order, this ghastly accident could have been averted. If the railway officials had acted with a sense of responsibility or a sense of seriousness to protect human lives, the accident would not have happened. It seems they had not exercised any wisdom with alacrity.

Madam, I would remind that there was incessasnt rain for three days in that area. It is reported that the rainfall in that area on that particular day, and that too at Mancherial, was 20 centimetres, Despite this heavy rainfall to the extent of 20 centimetres, the Railway Department had not taken any steps to get the tracks monitored by engineers or even gangmen. Now they are saying it is a natural calamity. the

Madam, it is further reported in press -- I do not know how far it is true — that the driver had not applied the brake in time. I do not know — it is on the technical matter. Then, I would like to know why the railway officials failed to check the track despite the heavy rain.

Another m|ost {important and painful fact is, it is reported in the press-now even the honourable Minister also has said in his statement -- that about 20 minutes earlier, a goods train running towards Mancherial on an adjacent track passed through the same stretch and nothing unusual was reported by the driver of the goods train. This statement

of the honourable Minister has also been reported in the press. This goods train escaped because of good fortune. It escaped a mishap because of good fortune, every time we cannot expect to have good fortune, which rarely comes about. We must depend on our efficiency, the monitoring system and other devices for safely.

Then, another thing, Madam. The Railway did not inform the State Government about this accident. The accident happened early in the morning, at 4.30 or 4.35 a.m. and the State Government came to know about this ghastly accident only at about 9.30 a.m., that to, through their own police force. I would like to know why the Railway failed to inform the State Government about this accident. It is very important. Because of the delay in the information leaching the Slate Government, the rescue operation had started only at 1.30 p.m. The accident ocurred early in the morning at 4.30, but the rescue operation started only at 1.30 p.m. because of delay on the part of the railway officials.

THE DEPUTY CHAIRMAN: You are consuming more time of the Opposition

SHRI ALADI ARUNA alias V. ARUNACHALAM: What is it? I am prepared for all; So. why have the railway officials failed to inform the State Government? The hon. Minister in his report thanked all the people who helped in the rescue operation, including the jawans. I share his sentiment. At the same time, he has not thanked the State Government which has also helped at the maximum level.

SHRI MADHAVRAO SCINDIA: I have said it.

SHRI ALADI ARUNA alias V. ARUNACHALAM: Have said it? Then, all right.

SHRI MADHAVRAO SCINDIA: I have said, "Civil administration."

SHRI ALADI ARUNA alias V. ARUNACHALAM; Civil administration? You can state in a broad way, "the State Government, the Chief Minister." All right.

So, the accident occurred in that area-due to our inefficiency.

THE DEPUTY CHAIRMAN: Prof. Asima Chatterjee. Please be brief because we have to adjourn for lunch.

PROF. (MRS.) ASIMA CHATTERJEE (Nominated): Madam Deputy Chairman, the train No. 21 Express left Manchiryal station at 4.27 hours when the area between Manchiryal and Mandamari stations was marooned, as 1 find from the information given here, due to flash floods. Why was prior supervision not made? Why was the information not given to the Station Master that an accident might happen? So, I would like to know why this information was not collected before the train's departure, before the train left the station.

I am indeed grateful to the jawans, the Chief Minister and others who rendered great service to the people who fortunately did not receive injuries and were safe. But, this is my question: Why proper inspection and proper supervision were not done?

SHRI B. L. PANWAR (Rajasthan): Madam, in para 8 of the statement ex-gratia payment of Rs. 5,000 to the next of kin of the dead and Rs. 2,000 for the persons who received grievous injury have been fixed. Madam, in this House for a road accident payment of Rs. 15,000 has been fixed for the next of kin of tha dead whether it is his fault or not his fault and Rs. 7.500 for the disabled person. So, what is the basis for fixing this meagre amount in the case of the railway accident? Is it the only value for the life of a man? The Minister may kindly clarify this.

SHRI MADHAVRAO SCINDIA: Madam, I have already expressed, tried to give expression to the sentiments of anguish that have been experienced by the Railway Administration. Madam, on the accident that unfortunately took place due to a freak flash flood on the South-Central Railway, I think, my statement has been comprehensive enough and has covered all the points. So, I will deal only with the specific points or clarifications that have been raised by the ho». Members.

[Shri Madhav Rao Scindia]

Madam, one point that has been raised is that the Raiways should be patrolling this area and that, therefore,, there is negligence on the part of the Railways. I have always stressed that the Railway Ministry is in spirit always conducting an open exercise with the railway users and wilh the people of India. I will be the last one to offer any excuses if it is found that we are really at fault. However, there are certain procedures that are followed, and those procedures were adhered to. During the monsoon season certain areas are patrolled under, what is called, monsoon patrolling, but those are the areas which are identified as flood-prone. And there is constant consultation between the civil administration, various State Departments involved and the Railway Ministry in updating information regarding these flood-prone areas. This particular area was not identified as flood-prone. There has never been a problem in this area right from 1927, and, therefore, it is not an area which was identified for special patrolling during the rains.

On the night previous there was very extensive rainfall. However, this rainfall also seems to have taken place in an isolated area over the catchment area of that particular tank because at our railway station we recorded 100 mm rainfall and at the catchment they recorded about 209 mm. So the Station authorities did know that there was a very large amount of rainfall but not how much. What is, of course, more important is that this was not considered as a flood-prone area. There would have been no floods if the irrigation tank which is not supposed to burst had not burst. This particular tank has not been notified to us by the State Government. Way back in 1957 it had been decided between the Chief Ministers and the Railways that each State would set up a Committee of Engineers consisting of senior officials from the Railways and Public Works, Irrigation, Forest and Local Self-Govemment departments of the State Government who should periodically review the position of the flood affecting works. If any work proposed by the Department is likely to affect us, through this Committee, the Railways would have been informed about it. The list that has been given to us since 1979 included 7 PWD tanks and 2 irrigation tanks. This was not a tank which was included as a flood affecting work and as late as April, 1987 the last review meeting was held. Even then we werenot formed about this tank. Therefore, extra precautions that are taken for flood-affecting works were certainly not taken here, because they can only be taken once the State Government informs Us through this Committee that this particular tank should be added to the list of flood affecting tanks. The normal inspection work had been undertaken by both the PWI and by the key man. As you know, every single metre of the Indian Railways is inspected every day and normal inspection had taken place the day before.

Also one hon. Member mentioned that a train had passed 20 minutes earlier and it was only good luck that saved the train. Certainly it was 'good luck* because at that time that particular goods train passed, the driver if he had found anything unusual he would have reported it. But, unfortunately this train which eventually got affected was destined to meet the full impact of the flood waters and it crossed on that piece of track just when the flood waters were hitting the track and the driver was taken completely unawares. Of course, there is a statutory enquiry into it and the full facts of the case will be disclosed once the Commi sioner of Railway Safety submits his re port. But *prima facie* there does not seem to have been any lapse on the part of the driver who was just struck with amazement. When on applying the brakes he found the water coming in, he looked back and he found two or three of his coaches were just being swept away by the flood waters. He was totally helpless after that.

The State Government not being informed was also raised. Madam, the normal procedure is to inform the district administration and this we did. The accident took place at 4.27 or about 4.30 and the local administration was informed at 5.20. The State Government police station at Mancherial was informed at 5.20. The call was received by the constable to

be conveyed to the Circle Inspector. This was done by him at 5.35. Shri Krishna Rao, Mandal Revenue Officer who was under the Collector of that district was also informed. At 6.30 the Collectors office in Adilabad was also informed. Later on at 7.50, Collector, Karimnagar, was informed. At 8 O'clock, the Area Manager South Central Railway informed the Director-General of Police in Hyderabad. So all these normal procedures were followed. Many a time, the railway track or an accident involves several State Governments. So the piocedure is to inform the district administration and not necessarily the State Government headquarters. However, the State Government headquarters were also subsequently informed. *(Interruption)*

SHRI ALADI ARUNA alias V. ARUNACHALAM: The Chief Secretary of Andhra Pradesh had complained. That is why, I am saying this.

SHRI MADHAVRAO SCINDIA: The Chief Secretary of Andhra Pradeh is not correct in expecting to be informed because the Director General of Police had been informed at 8 O'clock. That also is not a normal procedure but we have informed the Director General too. But what is of import is that at 5.20 the police station at Manchiryal had been informed and the Collector had also received information. The Chief Secretary, incidentally, was informed because the information had to be conveyed to the Chief Minister regarding Shri J. Vengal Rao's and my visit and that is why the Chief Secretary was informed. Otherwise, it is not a normal procedure to inform the top echlons of the State administration.

Some hon. Members have talked about the meagre compensation being given. Constantly, there is confusion created because of this term compensation and between the terms 'compensation' and 'ex-gratia.' This is ex-gratia payment which is given. It is really given for immediate out-of-pocket expenses. It is not compensation. It is given for immediate urgent need and this was raised about 1 years ago from Rs. 2,000 to Rs. 5,000 in death cases, Rs. 2,000 or Rs. 1000/- for those who are hospitalised and Rs. 250 for minor injuries. It is only immediate requirements because the payment 0f compensation is after a quasi-judicial proceeding. Therefore, in major accident cases, in consultation with the State Government, an Ad hoc Claims Commissioner is appointed and the Ad hoc Claims Commissioner then considers the various applicants who apply as successors, for the compensation that is payable, or as far as injured are concerned, receive the applications from the injured. It is he who decides and directs Us as to how much to pay and to whom to pay because this can give rise to a lot of litigation and therefore, Railways cannot decide it, and this is a procedure which is put into motion immediately. Many times, unfortunately, we do have to keep reminding the State Governments to give us the names of the Ad hoc Claims Commissioner. Many State Governments do respond. In fact, I have written to certain Chief Ministers that the State Governments should respond quickly. The compensation payable in the railway accidents is upto Rs. 1 lac. So, ex-gratia payment should not be confused with the final compensation amount that is paid.

Again, Madam, 1 would like to express my very deep regrets about this accident and how sad we feel in the Railway Ad ministration. I would like to offer as a point of information, again, I am not making any excuses, not in support of argument, but just as a point of informa tion, because it is very relevant to the subject, that there has been an improve ment of about 27 per cent in accidents performance over the last two years, 1986-87 compared to 1984-85; the accidents have been reduced by 27 to 30 percent and this quarter of 1987-88, compared to the quarter last year which was a record low for railway accidents, again shows 13 to 14 per cent improvement. Incidentally, the month of July this year compared to the month of July last year records an almost 50 per cent improvement in railway accidents. So, we are trying. There is a sincere effort and we, of course, are never satisfied. Until the railway accidents come down to the lowest minimum possible, we will never be satisfied. We will constantly keep striving in this direction to minimise railway accidents and

[Shri Madhav Rao Scindia]

ensure the safety and security of our hon. passengers who use our railway system. J again express deep regrets to the House and offer my condolences to the bereaved families.

THE DEPUTY CHAIRMAN: Now, the House stands adjourned for lunch and will meet again at 2.45 p.m. ,

The House then adjourned for lunch at forty-five minutes past one of the clock.

The House reassembled, after lunch, at fifty-one minutes past two of the clock, The Deputy Chairman in the Chair.

STATEMENT BY MINISTER Y.

Re. Incidents which took place in . New Delhi on the 30th July, 1987.

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Madam Deputy Chairman, with a heavy heart, I wish to inform the Hon'ble House about the unfortunate and reprehensible incident in South Delhi in the early hours of 30th July, 1987.

At 05.47 hrs. on 30-7-1987 information was received on telephone in the Police Control Room that there had been an incident of shooting at B.91, Kalkaji, New Delhi. The Police Control Room vehicles reached the spot within 5 minutes and was info|rmed that a scooter No. DHE-8301 of blue colour had come to the house with 2 persons on it who had fired on Shri Hans Raj Sethi, Metropolitan Councillor of the B.J.P. The injured was removed to the All India Institute of Medical Sciences where later he died. It was also learnt that one of the assailants was a Sikh aged 17 to 20 years, height 5'.7" of fair colour, thin built, with no moustache or beard. He was wearing a 'Patka' of Saffron colour, The second assailant was a clean shaven person who was wearing a helmet. The two assailants shouted slogans of "Khalis-tan Zindabad" and abuses at the spot. The SHO, Police Station Kalkaji, New Delhi reached the spot at 06.04 hrs. and recov-ed a letter pad of "Bhindrawala "Tiger Force" from the spot.

The "Red Alert" was sounded at 0550 hrs. and all police control room vehicles began to check the two wheelers on the road. At 0611 hrs. it was learnt that the correct number of the scooter was DHB-8301. Maximum deployment from the police station was immediately rushed to assist in checking. Senior officers reached the spot to supervise police action.

Within a few minutes the second incident of firing had taken place at 10/14, Kalkaji Extension. It was learnt that a motor-cycle of red colour had approached the house of Sh. B. R. Munjal, BJP Councillor and had fired on his brother Shri Sudarshan Munjal who was outside the house in a vacant plot nearby. He was removed to the hospital where he suo-ciimbed to his injuries. A pouch containing 57 cartidges of 0.455 calibre and 9 mm and a paper with a letter head "Bhindrawala Tiger Force" was recovered from the spot. The assailant whe fired was an average built man 5'.7" in height, aged 20 to 22 years with a broach face, thin moustache and prominent nose . The second assailant was wearing a red helmet.

Details of these incidents were also flashed to all vehicles and the staff on the road who were checking the vehicles and patrolling the area. At 0742 hrs. a police control room vehicle detected the scooter No. DHB-8301 abandoned in front of. house No. 878, Sector No. 9, R. R Puram, New Delhi. The scooter has been taken into custody and is being checked for finger prints and other clues. The motor-cycle used in the other incident has also been recovered from Malviya Nagar, where it lay abandoned. The Police has since picked up one person and also one assailant has been identified.

A number of search parties have started searching at all the known hideouts and are looking for the culprits. Police arrangements have also been mado for any reaction in the city against these killings.

One abandoned suit case was found at New Delhi Railway station today in which there were two time-bombs. The suit-case has been detected and the time bombs defused.